

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDRE J. TWITTY,)	
)	
Petitioner,)	
)	
v.)	No. 4:21-CV-875 NAB
)	
ERIC S. SCHMITT,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Before the Court is petitioner's motion "For Leave to Supplement the Record or File a Brief in Support." The Court denied and dismissed petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 on January 26, 2022, because petitioner is not in custody pursuant to a state court judgment. For the foregoing reasons, the Court will deny petitioner's motion to supplement the record.

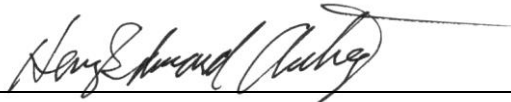
In his motion to supplement the record, petitioner asserts that he has averred enough to show that he is "actually innocent" of the crime for which he has been charged. However, petitioner does not address that his petition for relief is improperly before this Court. For this reason, the Court will decline to allow petitioner to supplement the record in this matter, as to do so would be futile.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to supplement the record [ECF No. 11] is **DENIED**.

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

Dated this 15th day of February, 2022.

A handwritten signature in black ink, reading "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE